

UNITED STATES DISTRICT COURT
for the
District of Oregon

United States of America)
v.)
) Case No.
) 6:20-mj-267-MK
DAVID PAUL CARPENTER)
)

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 3, 2018 through today in the county of Lane in the
District of Oregon, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2250(a)

Failure to register as a sex offender in violation of the Sex Offender Registration and Notification Act

This criminal complaint is based on these facts:

Please see the affidavit of Deputy United States Marshal Bryce Collins, which is attached hereto and incorporated herein by this reference.

Continued on the attached sheet.

/s/ Bryce Collins, Per Rule 4.1

Complainant's signature

Bryce Collins, Deputy United States Marshal

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 12:33pm a.m./p.m. 

Date: November 3, 2020

ed. R. Crim. P. 4.1 by

Judge's signature

City and state: Eugene, Oregon

Mustafa T. Kasubhai, U.S. Magistrate Judge

Printed name and title

DISTRICT OF OREGON)
) ss: AFFIDAVIT OF BRYCE COLLINS
COUNTY OF LANE)

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Bryce Collins, being duly sworn, do hereby declare and state the following:

Introduction and Agent Background

1. I am a Deputy of the United States Marshals Service (USMS) and have been so employed since December of 2010. I am currently assigned to the District of Oregon, Eugene office. I have attended both the Basic Deputy US Marshal Academy and the Criminal Investigator Training Academy at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I possess a Bachelor of Arts Degree in Communication from Arizona State University, a Master of Arts in Education/Adult Education and Training from the University of Phoenix and a Master of Science in Administration of Justice and Security from the University of Phoenix. While serving as a Deputy United States Marshal (DUSM), I have conducted numerous fugitive investigations. As a DUSM, I am authorized under 28 U.S.C. § 564 to enforce the federal criminal laws of the United States, including violations of the Sex Offender Registration and Notification Act (SORNA), 42 U.S.C. § 16901 and 18 U.S.C. § 2250.

2. I make this affidavit in support of the criminal complaint and the arrest warrant for David Paul Carpenter for a violation of Title 18, United States Code, Section 2250(a), Failure to Register as a Sex Offender. As set forth below, there is probable cause to believe, and I do believe, that Carpenter is required to register as a sex offender under the Sex Offender Registration and Notification Act, is a sex offender by reason of a conviction, and knowingly failed to register as a sex offender, in violation of 18 U.S.C. § 2250(a).

3. This affidavit is submitted for the limited purpose of establishing probable cause for the criminal complaint and the arrest warrant and does not set forth all known facts related to this matter. The information in this affidavit was ascertained during a criminal investigation that included, in part, a review of pertinent documents and records, communications with law enforcement personnel, and communications with individuals related to this matter.

4. The statements made in this Affidavit are based in part on: (a) my personal participation in this investigation; (b) information provided to me by other law enforcement officers; (c) my review of criminal history records maintained by various law enforcement agencies, including the National Criminal Information Center (“NCIC”); and (d) the training and experience of myself and other law enforcement agents and officers.

Applicable Law

5. Title 18, United States Code, Section 2250(a) renders it a crime for a person who is a sex offender or who is required to register as a sex offender, pursuant to the Sex Offender Registration and Notification Act, *inter alia*, to knowingly fail to register or update registration as required by that Act.

Statement of Probable Cause

6. Summary of prior offense leading to registration requirement: On April 10, 1993 Deputy Randy Stensaas with the Weston County (Wyoming) Sheriff's Department completed an Affidavit in Support of Information stating that on April 9, 1993 he interviewed a juvenile who was nine (9) years old in the presence of her mother and a representative of the Weston County Department of Family Services. The child informed law enforcement that her father, David Carpenter, performed various sex acts on her and forced her to perform various sex acts upon him. The affidavit describes law enforcement's interview of the defendant on April 9, 1993, in

which Carpenter first denied the allegations and then admitted to putting his penis in the child's mouth and making her perform fellatio on him, along with other acts alleged by the child.

7. On December 1, 1993, Carpenter was found guilty of second degree sexual assault in violation of Wyoming Statutes 6-2-303 (a)(V) in the State of Wyoming, County of Weston, District Court, Sixth Judicial District in Criminal Case No. CR 93-5.

8. On January 13, 1994, Carpenter was sentenced to be imprisoned in the Wyoming State Penitentiary for a period of not less than six (6) years nor more than twelve (12) years. Carpenter was classified in Wyoming as having a duty to register for life.

9. On December 10, 2001, Carpenter initially registered by way of the Wyoming Department of Corrections with the Wyoming Sex Offender Registry (WSOR) with a registered address of community Alternatives of Casper, P.O. Box 2380, Mills, WY 82644. A section of the Wyoming Sex Offender Registration form signed by Carpenter is copied below.

Change of address to another state:

If any person required to register under this act changes residence to another state, he shall notify the Wyoming Division of Criminal Investigation, the county sheriff of the county of his previous residence, and shall also register with the designated law enforcement agency in the new state not later than ten (10) days after establishing residence in the new state.

10. On January 14, 2002, Carpenter again signed a Sex Offender Registration form with the Natrona County Sheriff's office with an updated residence of 10009 Landmark Lane, Mills, WY and P.O. Box 2380, Mills, WY 82644.

11. On March 4, 2009, in the Superior Court of the State of California for the County of Shasta, Carpenter pleaded guilty to "Failure to Register: Address Change," a felony, and later sentenced to State Prison for an "aggravated term" of Three (3) years. The sentence was increased to six (6) years due to the "special allegation aggregate and consecutive terms for multiple convictions." The court further ordered that "the defendant shall register with the appropriate law enforcement agency in accordance with Penal Code Section 290."

12. On July 13, 2020, I received a referral from Senior Inspector Michael Harvat and The National Center for Missing & Exploited Children (NCMEC), Sex Offender Tracking Team (SOTT), indicating that Carpenter is out of compliance in Wyoming and likely residing in Eugene, Oregon. Within the referral, there was an Accurint report listing multiple Oregon addresses dating back to 2019. A Facebook page was also found listing a David Carpenter whose photo appeared to match that of Carpenter and the public profile lists him as being from Pontiac, MI and living in Eugene, OR.

13. On July 15, 2020, DUSM Nelson queried the National Law Enforcement Telecommunications System (NLETS) and found that Carpenter was arrested in May of 2002 for Failure to Register as a Sex Offender in Redding, CA and subsequently convicted. The query also determined that Carpenter was arrested in Lincoln County, Oregon in November of 2008.

14. On July 16, 2020, I received information from the Oregon State Police, Sex Offender Registration Section that Carpenter has not registered in Oregon and that he would be required to register as a sex offender in Oregon. Carpenter's current status with Wyoming is 'Inactive – Out of Area'.

15. On July 21, 2020, I queried the National Crime Information Center (NCIC) for wants and warrants for Carpenter. Per the National Crime Information Center, Carpenter has a limited extradition warrant out of Carroll County Sheriff's Office in Berryville, Arkansas. On the same date, I queried the National Sex Offender Registry for Carpenter and was unable to find a record for him.

16. On July 23, 2020, I observed a vehicle with Oregon plate 532MGA along with a white male matching the description and photos of Carpenter in the driver's seat, parked on Commerce Street, near 13th Avenue in Eugene, Oregon. This vehicle is registered to David P. Carpenter.

17. On July 29, 2020, I received information from the United States Postal Service that Carpenter applied for Post Office Box Service in Eugene, OR on October 3, 2018 and still currently uses the Post Office Box Service. Within the application, Carpenter lists 4454 Hwy 18, Otis, OR 97368 as his address.

18. On September 1, 2020, Deputy United States Marshal (DUSM) Seth Weigel saw Carpenter, along with a vehicle with Oregon Plate 532MGA at the Wild Iris Trailhead located across the street from 2850 Bailey Hill Road in Eugene, Oregon.

19. On October 1, 2020, I performed another inquiry with the Oregon State Police and received information from the Oregon State Police, Sex Offender Registration Section that Carpenter has still not registered in Oregon.

20. Throughout the course of my investigation, I found that Carpenter has a current Oregon Driver's License (# A349242) that was issued on April 2, 2019 and lists an address of 2850 Bailey Hill Rd and PO Box 23131, Eugene, OR 97405. Carpenter also has two vehicles currently registered to him (Oregon plate 329FHY and 532MGA). Both registrations list an address of 2850 Bailey Hill Rd, Eugene, OR 97402

21. Based on available information, Carpenter would be classified as a Tier III sex offender under the Sex Offender Registration and Notification Act. As a Tier III sex offender, Carpenter has a lifelong requirement to register as a sex offender under the Sex Offender Registration and Notification Act. Under Oregon state law, Carpenter has a lifetime requirement to register as a sex offender in Oregon.

22. Under the Sex Offender Registration and Notification Act, Carpenter has a current requirement to register as a sex offender. Under Oregon state law, Carpenter has a lifetime requirement to register as a sex offender in Oregon.

Conclusion

23. Based on the above information, I believe Carpenter is required to register as a sex offender under the Sex Offender Registration and Notification Act, is a sex offender by reason of a conviction in Weston County, Wyoming, and knowingly failed to register as a sex offender once in Oregon. I believe Carpenter changed his residence and failed to register as a sex offender. I believe that Carpenter travelled from Wyoming to Oregon in interstate or foreign commerce. As such, I believe there is probable cause that Carpenter failed to register as a sex offender as required under 18 U.S.C. § 2250(a), and I respectfully request this Court issue the requested criminal complaint and arrest warrant.

24. This affidavit, and the requested criminal complaint and arrest warrant, were reviewed by Assistant United States Attorney (AUSA) William McLaren prior to being presented to the Court. AUSA McLaren informed me that, in his opinion, the affidavit sets forth sufficient facts to establish probable cause for the criminal complaint and the arrest warrant.

Request for Sealing

25. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation, and any disclosure of the information at this time may endanger the life or physical safety of an individual, cause flight from prosecution, cause destruction of or

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tampering with evidence, cause intimidation of potential witnesses, or otherwise seriously jeopardize an investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

/s/ Bryce Collins, Per Rule 4.1

Bryce Collins
Deputy United States Marshal
United States Marshals Service

Subscribed and sworn to me telephonically pursuant to FRCP 4.1 this 3 day of November 2020, at 12:33pm a.m. / p.m. in the District of Oregon.



MUSTAFA T. KASUBHAI
United States Magistrate Judge